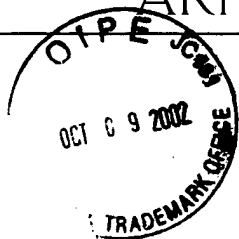


ARNOLD & PORTER

June E. Cohan
June_Cohan@aporter.com

202.942.5071
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206



October 9, 2002

Commissioner for Patents
Washington, DC 20231

Re: U.S. Patent Application Serial No. 09/669,817
Filed: September 26, 2000
Inventors: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other
Molecules Associated with Plants
Atty. Docket: 38-21(51469)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Request for Withdrawal of Holding of Abandonment – No Abandonment in Fact (or in the alternative, Petition to Revive Unintentionally Abandoned Application) (in duplicate);
2. Copy of Replacement Sequence Listing (computer-readable form) on CD-ROM;
3. Statement Regarding Sequence Submission;
4. Exhibit A – Copy of Response to Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure filed February 15, 2001 (with Certificate of Mailing dated February 15, 2001), including copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure (with Certificate of Mailing dated February 15, 2001), copy of Transmittal of Non-Provisional Patent Application filed on September 26, 2000 (with Certificate of Mailing dated February 15, 2001), copy of Petition to Suspend Sequence Rules filed September 26, 2000 (with Certificate of Mailing dated February 15, 2001), and Statement Regarding Sequence Submission filed February 15, 2001 (with Certificate of Mailing dated February 15, 2001);
5. Exhibit B – Copy of receipt postcard for papers contained in Exhibit A, date-stamped as received by the U.S. Patent and Trademark Office on February 20, 2001.
6. Exhibit C – Copy of transmittal letter (filed December 7, 2001); copy of Decision on Petition (mailed October 9, 2001); copy of Preliminary Amendment and Response to

ARNOLD & PORTER

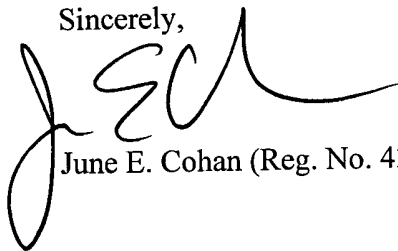
Commissioner for Patents
October 9, 2002
Page 2

Corrected Decision on Petition Filed January 8, 2001 (filed December 7, 2001); and
Statement Regarding Sequence Submission (filed December 7, 2001);

7. Exhibit D – Copy of receipt postcard for papers containing in Exhibit C date-stamped as received by the U.S. Patent and Trademark Office on December 7, 2001;
8. Exhibit E – Copy of Notice of Abandonment under 37 CFR 1.53(f) or (g); and
9. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Sincerely,



June E. Cohan (Reg. No. 43,741)

Enclosures